

Office of the Attorney General
State of LOUISIANA

Opinion No. 83-297
March 24, 1983

71-1-1 Municipal Fire & Police Civil Service

Classified Civil Service employees may not engage in political activities.
R.S. 33:2566

Minos J. Hardy
Chief of Police
City of Abbeville
304 Charity Street
Abbeville, LA 70510-5194

Dear Mr. Hardy:

You have requested an opinion of this office relative to R.S. 33:2564. Specifically, you asked if that statute would prohibit a classified civil service employee from posing for a family portrait to be used by a member of said family in campaigning for the office of sheriff.

Pursuant to R.S. 33:2564, employees of the classified service are prohibited from engaging in certain political activities. Subsection (A) of that statute provides in part:

(4) No member in the classified service shall . . . (d) make any political speech or public political statement in behalf of any candidate seeking to be elected to public office, or (e) take any part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to privately express his opinion and to cast his vote. (emphasis supplied).

Subsection (B) of R.S. 33:2566 sets forth one of the penalties for engaging in prohibited political activities.

(B) The appointing authority shall discharge from the service any employee whom it deems guilty of violating any one or more of the provisions of this Part. The [fire and police civil service] board may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of this Part.

The court in *Gremillion v. Department of Highways*, 129 So.2d 805, 808 (1st Cir. 1961), considered a constitutional provision which prohibited a classified employee from taking 'any part . . . in a political campaign' as all inclusive. The court determined that the broadly worded prohibition denies the employee

any participation in any effort to ensure the election of a nominee. The court stated:

The purpose of a political campaign insofar as an individual is concerned is to stimulate the adherents of a candidate to join the individual in securing the election of a candidate. Any effort by an adherent to accomplish this result is of necessity a taking part in a political campaign.

It may be argued that posing for a family portrait does not constitute active political campaigning. However, it has been the consistent opinion of the Civil Service Commission that classified civil service employees may not pose in a family portrait that will be used in the political campaign of one of the family members. Such an action is considered a prohibited political activity by that office.

In conclusion, R.S. 33:2564 is a very broad prohibition relative to civil service employees engaging in political activity. Furthermore, the Civil Service Commission has interpreted posing for a family portrait which is to be used in a political campaign as a violation of the provisions limiting the political activities of employees in the classified service.

Sincerely,

William J. Guste, Jr.
Attorney General

By: Cynthia D. Young
Staff Attorney

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